



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,644	12/13/1999	TAKASHI TSUNODA	862.3166	1438

5514 7590 03/04/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,644

Applicant(s)

TSUNODA, TAKASHI

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 6-30-2000, which has been placed in the application file and considered by the Examiner.

Drawings

The drawings are not objected to by the Examiner.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Birmingham et al. (6,252,595)

Regarding claim 1, Birmingham et al discloses that the claimed feature of a display device capable of displaying a plurality of windows on a display screen, comprising:

Discrimination means for discriminating[translucent state or in-focus(active) state] if image data to be displayed on each of the plurality of windows[14,16,18,26] is image data to be displayed on an active window[26] (See Abstract, Fig 1, Fig 2, Fig 3)

Display control means for controlling[32] display of image data to be displayed on each of the plurality of windows on the basis of a discrimination result of discrimination means. (See Abstract, Fig 1, Fig 2, Fig 3)

Regarding claims 5 and 9, claims 5 and 9 are similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 5 and 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4,6-8 and 10-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birmingham et al (6,252,595) in view of Shishido (6,137,490).

Regarding claim 2, Birmingham et al discloses that display control means displays the image data to be displayed on the active window at a higher luminance than a luminance of image data to be displayed on an inactive window. (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Birmingham et al does not explicitly discloses that displaying the image data on the active window at a higher luminance. However, Shishido discloses that "changing the luminance of display of the first one of the display devices to a predetermined luminance level indicative of an inactive process, for changing the luminance of display of the second one of the display devices to a predetermined luminance level indicative of an active process." (See col 9 line 1-14, col 10 line 17-30) The motivation would have been to provide efficient way to distinct between active window and inactive

window, as described in the teaching of Birmingham. (See col 3 line 13-26, col 4 line 26-45) Therefore, it would have been obvious to one skilled in the art to incorporate the teaching of Shishido into the teaching of Birmingham et al.

Regarding claim 3, refer to the discussion for the claim 1 and 2 hereinabove, Birmingham et al discloses that the display control means decimates and displays image data to be displayed on an inactive window other than the image data to be displayed on the active window. (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Regarding claim 4, claim 4 is similar in scope to the claims 2 and 3, and thus the rejections to claims 2 and 3 hereinabove are also applicable to claim 4.

Regarding claims 6-8, claims 6-8 are respectively equivalent to claims 2-4, and thus the rejections to claims 2-4 hereinabove are also respectively applicable to claims 6-8.

Regarding claim 10, refer to the discussion for the claims 1 and 2 hereinabove, Birmingham et al discloses that the claimed feature of a display device capable of displaying a plurality of windows on a display screen, comprising:

Input means for inputting [1 of Shishido] display data (See Fig 1, Fig 2, Fig 3; also See Fig 1 of Shishido)

First storage [34] means for storing the input display data (See Fig 1, Fig 2, Fig 3; also See Fig 1 of Shishido)

Second storage[34] means for storing the display data output from first storage means (See Fig 1, Fig 2, Fig 3; also See Fig 1 of Shishido)

Display means for displaying the display data stored in second storage means at a predetermined luminance (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Detection means for detecting position information on display means where the display data is to be displayed (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Discrimination means for discriminating based on the detected position information if the display data is active (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Luminance control means for lowering the luminance of the display data when discrimination means determines that the display data is not active. (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Birmingham et al fails to disclose explicitly that "the first and second storage". However, having two separate physical embodiment of memory[first and second storage] out of one memory[34] for allocating each specific the data/information is well

know in the art to result in faster process with easy manner. Therefore, it would have been obvious to one skilled in the art to have "multiple storage" into the teaching of Birmingham et al.

Regarding claim 11, Birmingham et al discloses that a pointing device is connected to display device, and display means can display a cursor which indicates an arbitrary position on display means in accordance with operation of pointing device and discrimination means detects a position of the cursor on display means, and discriminates based on the detected position of the cursor and the position information if the display data is active. (See Abstract, Fig 1, Fig 2, Fig 3, col 5 line 10-15)

Regarding claim 12, claim 12 is similar in scope to the claim 10, and thus the rejection to claim 10 hereinabove is also applicable to claim 12.

In addition, Birmingham et al discloses that luminance inversion means for inverting the luminance of the display data when discrimination means determines that the display data is not active. (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Regarding claims 13-21, claims 13-21 are similar in scope to the claims 10-12, and thus the rejections to claim 10-12 hereinabove are also applicable to claims 13-21.

Regarding claim 22, refer to the discussion for the claim 1 and 2 hereinabove, Birmingham et al discloses that the claimed feature of a display device capable of displaying a plurality of windows on a display screen, comprising:

Connection means for connecting a plurality of types of input devices (See Fig 1, Fig 2, Fig 3; also See Fig 1 of Shishido)

Discrimination means for discriminating if image data input from each of the input devices connected to connection means is image data to be displayed in an active window (See Abstract, Fig 1, Fig 2, Fig 3)

Input control means for controlling an input timing of image data input from each of the input devices connected to connection means on the basis of a discrimination result of discrimination means (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Image processing means for performing an image process of image data input from input control means (See Abstract, Fig 1, Fig 2, Fig 3, col 3 line 13-26, col 4 line 26-45)

Display means for displaying image data that has undergone the image process in image processing means. (See Abstract, Fig 1, Fig 2, Fig 3,)

Regarding claim 23, Birmingham et al discloses that the input timing is a predetermined timing. (See col 5 line 10-18)

Regarding claim 24, Birmingham et al discloses that setting means for setting the input timing. (See col 5 line 10-18)

Regarding claim 25, Birmingham et al discloses that image processing means comprises luminance control means for controlling a luminance of image data input from input control means. (See col 3 line 13-26, col 4 line 26-45)

Regarding claims 26-29, claims 26-29 are similar in scope to the claims 22-25, and thus the rejections to claim 22-25 hereinabove are also applicable to claims 26-29.

Regarding claim 30, claim 30 is similar in scope to the claim 22, and thus the rejection to claim 22 hereinabove is also applicable to claim 30.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

djc
February 13, 2002

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M' and a final flourish.

**MATTHEW LUU
PRIMARY EXAMINER**